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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA : CRIMINAL NO. 07-30013
: :
VERSUS : JUDGE JAMES
GARY LYNN WARD, a.k.a. "AP," :
AND DAVID RAY DEAN : MAGISTRATE JUDGE HAYES

FINAL ORDER OF FORFEITURE

This Court entered a Preliminary Order of Forfeiture on June 29, 2007, ordering defendants GARY LYNN WARD and DAVID RAY DEAN to forfeit the following the following properties:

- a. Any property consisting or derived from proceeds the defendants obtained directly or indirectly as the result of said violations;
- b. Any property used or intended to be used in any manner or part to commit or facilitate the commission of the aforementioned violations;
- c. \$275,948.48 in United States Currency, which was seized between April 3, 2007 and April 9, 2007; and
- d. A 2007 Toyota Tacoma pickup truck bearing VIN Number 5TETU62N67Z354404, registered to Gary L. Ward.

Notice of the Preliminary Order of Forfeiture was given by the United States by publication in the Monroe News Star, a Monroe newspaper of general circulation, on July 16, 23, and 30, 2007, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Direct notice was served upon the following: Gary Lynn Ward on July 16, 2007; and David Ray Dean on July 16, 2007.

On August 7, 2007, Petitioner Toyota Motor Credit Corp. filed a petition alleging an interest in the property listed in paragraph "d" below and seeking an amendment of the Preliminary Order of Forfeiture. The United States has agreed to pay the note of Toyota Motor Credit Corp., with an approximate balance of \$11,704.26 from the proceeds of the sale of the property listed in paragraph "d," settling its claim.

On August 21, 2007, Petitioners Jerry and Sarah Ward filed a petition alleging an interest in the 2007 Toyota Tacoma pickup truck bearing VIN 5TETU62N67Z354404, registered to Gary L. Ward, and seeking an amendment of the Preliminary Order of Forfeiture.

The United States filed a Motion to Dismiss the Petition of Jerry and Sarah Ward for a hearing to adjudicate its third party claim. On October 11, 2007, the Court issued an Order granting the motion to dismiss filed by the United States asserting that the Petitioners, Jerry and Sarah Ward, failed to establish, by a preponderance of the evidence, that they have a right, title or interest in the Subject Property.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The Preliminary Order of Forfeiture entered in the above captioned action on June 29, 2007, is final, this Court having found that the defendants GARY LYNN WARD and DAVID RAY DEAN convicted in the case had an interest in the forfeitable property under Title 18, United States Code, Section 982 and Title 21, United States Code, Section 853, and all right, title and interest to the following properties:

- a. Any property consisting or derived from proceeds the defendants obtained directly or indirectly as the result of said violations;
- b. Any property used or intended to be used in any manner or part to commit or facilitate the commission of the aforementioned violations;

- c. \$275,948.48 in United States Currency, which was seized between April 3, 2007 and April 9, 2007; and
- d. A 2007 Toyota Tacoma pickup truck bearing VIN Number 5TETU62N67Z354404, registered to Gary L. Ward

is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

The United States has clear title to all the property as set forth in Preliminary Order of Forfeiture dated June 29, 2007, excluding the property listed in paragraph "d." The property in paragraph "d" will be sold subject to the security interest held by Toyota Motor Credit Corp. with an approximate balance of \$11,704.26. The Court shall retain jurisdiction to enter any orders necessary to amend or enforce this order.

The Clerk is hereby directed to send copies of this Order to all counsel of record and the United States Marshal's Service, 300 Fannin Street, Suite 1202, Shreveport, Louisiana 71101.

MONROE
Shreveport, Louisiana, this 4 day of November, 2007.



ROBERT G. JAMES
United States District Judge